File No. 294

1893.

Collection No.

Impor Residues

25-6-47.

Pros. Serial Nos. 21 – 30

(S.N. 13–20 not in file)

Subject.

The Bangalore Municipal Laws, 1897

Previous References.	Later References.

(Blue).

-6788&P—(G.1035)—10-3-30—1,00,000.

Office of the Resident in Mysore.

_____ Branch.

Proceedings No. of the month of 190

Serial Nos. 21 – 30. of File 294 of 1893

Proceedings number.	Subject and order.	Date of last order.	Previous Proceedings read before disposal.		
			Serial or Proceedings numbers and Branch	File or month.	Year.
	21. No. 3908 & $9\frac{5}{96}$ from Presidt, Munl, Comrs, C+M. Station requesting to favour him with six copies of the draft Bangalore C+M. Stn, Municipal Regulations 1896 for distribution to Munl officers.				
	22. No. 1903 & $25\frac{5}{96}$ to Presidt, C+M. Stn, Munl, Comrs, forwg four copies of revised draft of Regulations referred to above.				
	23. A d/o & $30\frac{5}{96}$ to Capt: Erskine ~~to see~~ asking to send a copy of C+M Munl Regulations (revised) to Dewan of Mysore.				
	24. A portion of the "Daily Post" & $3\frac{6}{96}$ re contemplated abolition of the Munl Board.				
	25. No. 2234 & $19\frac{6}{96}$ to Presidt, Munl Comrs, C+M Stn intimating to send a copy of the dft Ml Regns to each of the two English papers in the Station to be seen + criticised by the Press.				
	26. A d/o & $20\frac{6}{96}$ from Mr A.M. Slight informing to have sent the two copies of draft Munl Regns as requested.				
	27. No. $\frac{2286}{2287}$ & $25\frac{6}{96}$ to "Daily Post" / "Evening Mail" forwg one copy of draft of Bangalore C+M. Munl Regulations 1896 as submitted to the G of I.				
	28. A ~~copy~~ from "The Evening Mail" & $28\frac{6}{96}$ requesting ~~the~~ copy of Munl Regulations 1896 referred to before.				
	28. No. 1488 & $28\frac{8}{96}$ from Presidt, Munl, Comrs, C+M Stn informing that the draft Bangalore C+M. Stn, Munl Regulations of 1896 was placed before the Commissioners + forwdg a copy of resolutions passed by them on the subject.				
	29. --- Notes -				
	30. No. 3258 & $8\frac{9}{96}$ to Presidt, Munl, Comrs, C+M Stn informing that Resident will await a further communication setting forth the objection felt by the Municipal Commissioners and asking the Section in the Regulations to which exception is taken.				

No. 390

21

CIVIL & MILITARY STATION.
BANGALORE.

Municipal Office 9th May 1896.

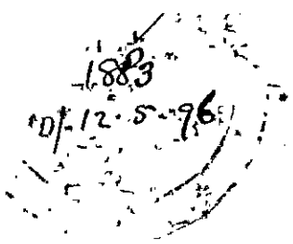
FROM

THE PRESIDENT

MUNICIPAL COMMISSION.

Civil & Military Station,

BANGALORE.



TO

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE,

BANGALORE.

SIR,

I have the honor to request you will favor me with six copies of the draft Bangalore Civil and Military Station Municipal Regulations 1896, for distribution to Municipal officers in order that they may make themselves acquainted with the new Regulations in anticipation of their being brought into force.

I have the honor to be,

Sir,

Your most obedient servant

T. Baker Lapsley

for President

HW

RESIDENT'S OFFICE. Serial No.

[DRAFT].—For approval.

No. 1903 Encl 4

Dated 25th May 1896.

To

The Resident Bhc Com.

C. M. Chn.

Sir,

Se. 21.

In reply to your letter No: 39 of the 9th instant, I am directed to forward herewith for copies of the Revised Draft of the Bangalore Municipal Regulations, and under the considerations of the Govt: of India, and I say no more copies are available

I have &c.

KSE
22/5

Asst Resr.

21.6.96

Sent 1 copy d/o
to Steven who is I believe
here.

THE RESIDENCY
MYSORE

Copy sent
d/o 2.3
H 2/6.3

2/6 Do May

My dear Erskine

Will you please
let the Divan have
a copy of the new
C & M Municipal
Regulation. I know
that we have not soo
many spare, but I
should like him to

THE DAILY POST.

WEDNESDAY EVENING, JUNE 3, 1896.

THE CONTEMPLATED ABOLITION OF OUR MUNICIPAL BOARD.

It is strongly rumoured that certain faddists on the Board, who have also the ear of the Resident in Mysore, have suggested to him, that the work of the Municipality could be better conducted by a nominated committee, than by the elected representatives of the tax-payers. That there is some truth in this rumour is apparent from the fact of an attempt now being made to divest the President of the Municipality, of all Executive control, over sanitary matters and invest it in the hands of the Residency Surgeon, who will be the chairman of the Public Health Committee. A further attempt in this direction has been made, in calling together of an informal committee consisting of the Residency Surgeon, the Health Officer, the Military Executive Engineer, the Brigadier-General Commanding the Division, the President of the Municipality and the 2nd Magistrate, by the British Resident, to abrogate the present Municipal Regulations (Act XXI of 1883), and to frame for themselves an Act, which shall be binding on an emasculated Board, to be hereafter formed.

The whole of the Municipal Regulations, was taken into consideration by this self-constituted committee, and section by section was revised and amended, and new sections drawn up, for submission to the Government of India, for the purpose of having a new enactment passed. It is doubtless kind of the high officials to take so much interest in the welfare of the Municipal rate, and tax-payers of the Station, but there was an omission on their part, which is not merely ungracious and unkind on the part of the members of the Committee, but was also a deliberate slur on their part, on the position and rights of the Municipal Commissioners, who are admitted to be the representatives of the rates and tax-payers. These gentlemen, were entirely ignored by the Committee abovenamed. Not the slightest information on the subject was deigned to them, and when the labours of the Committee were terminated, and were embodied in a draft enactment, this latter was sent away direct to the Government of India so that the commissioners have not the slightest notion of the nature and character of the proposed amended enactment, and should it be adopted by the Government of India with, or without alterations of its own, Municipal Commissioners will be forced to accept an enactment with which they had nothing whatever to do. We must say, to put it in the mildest terms, that this is rather a queer way of treating gentlemen, respectable citizens of the Station, who had every right to know what might be the character of a new enactment they would be called upon to administer. Surely the Government of India do not consider the Municipal Commissioners of the Station to be mere puppets, who have no voice in the administration of a Public Department, to which they give a great portion of their time and attention gratis. Sometime ago, the Municipal Commissioners sent through their President, a draft enactment to the Resident, for submission to the Government of India. What has become of that document is not known, up to the present moment, its receipt by the Resident was never acknowledged or at all events, the President of the Municipality never informed his colleagues at the Board, what became of that Draft Enactment.

It is treatment like this that would keep away the best men among the citizens from offering themselves for election to the Municipal Board. It is surely, tantamount to a farce, to form a large public body, like the Station Municipal Board, and then to ignore them altogether. We are surprised that the Municipal Commissioners concerned have not protested against conduct like this towards them by the head of the administration of the Civil and Military Station. And now the Commissioners have been ignored a second time by the circumstance mentioned above, viz., a draft enactment being submitted to the Government of India, in the drawing up of which they have had no voice whatever. We presume that the Resident in Mysore, in forwarding the draft enactment, drawn up by the self-constituted committee, to the Government of India has to inform the latter, how that Committee was constituted, and the Resident cannot of course, well say that the repesentatives of the people had taken any part in the matter. It will be for the Government of India, in sheer justice to the Municipal Commissioners to inquire of the Resident, whether the Municipal Commissioners had had and hand in the drafting of the proposed enactment, and if not why it was so; and the Government of India would be doing well to return the Draft Act for the purpose of affording the Municipal Commissioners an opportunity of perusing its provisions, and offering their opinion upon them.

Send copy of
Distr. Imm Reg
to the Local
Newspapers in
Bangalore —

28/6/90 Hey

Mr. Clarke

How many copy
have you? We need only

Send to D Post + Evening
News — 10 E 18/6

We have only one Spare
copy left K.L. 18/6

Rec'd from Otis

for part marked

by Reiber ?

Place in file

MS

9-6

RESIDENT'S OFFICE.

Serial No.

D/6

[DRAFT].—For approval.

No. 2234

Dated 19th June 1896.

My dear Leigh.

The Resr wishes a Copy ~~of~~ of the Offr Mr Regs sent to each of the two English papers in the Station, as he considers it ~~it seems~~ desirable KDE to let the Pers see the Regs and Criticise it if they wish to see Same one Copy left in Office Can you kindly send me two of the Jour sent on the 8th

or ask Abdul Rahman or Baggley for their copies?

dear A The Commissioners have no doubt perused ~~I may tell the Commissioners~~ them sufficiently or ~~to my knowledge~~ as much as they intend to

Jour

KDE

19-6

19.6.96

Alex Leigh Esq. C.S

Offr Mr Com:

Ofa & Zahra, dearly Pa! Arriving Mad
last Jh date —

Jh Chmas like silk —

"Bride of Ice Romance c.a 9c
Star in Mann" Play: Reid & Ashwood
& Ice Cap!"

Jhe coin Jhanked & Jh Bible 9.15
E.M

Note to Beh's enclosures

B.O
Ex
Ps
24/4

Mr Allen Jenkins
Grand Avenue
Jhe two copies of Drafts Mum
cipal Regulations asked
for in Dans note of 20th
- day, Jo 2234.

Yrs. Sincly
Chas Rapp Jr

Captain K.D. Enkine
Fries Assistant to the Resident

Municipal Office,
Civil & Military Station, Bangalore.
20 Lan 1934

REGISTERED
No. 2572
Dt 23.6.1934

RESIDENT'S OFFICE.

Serial No. 27

[DRAFT].—For approval.

No. 2286-2287 Conf.

Dated 25th June 1896.

Endorsement

"Draft of the Bangalore civil and Military station Municipal Regulation, 1896, as submitted to the Government of India."

One copy forwarded to the Editor Daily Post / Evening Mail with the Resident's Compliments

By Order

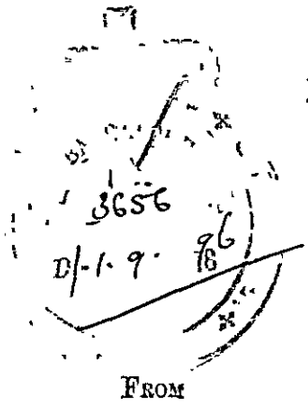
KSE 24-6.

1st Assistant Resident.

RK. 24-6-96.

with Jairs

28



No. 1488 with 1 Encl

CIVIL AND MILITARY STATION, BANGALORE,

MUNICIPAL OFFICE.

DATED 28th August 1896.

FROM

A. M. SLIGHT, ESQUIRE, I. C. S.

PRESIDENT, MUNICIPAL COMMISSION,

C. & M. STATION, BANGALORE.

TO

The First Assistant to the Resident
in Mysore
Bangalore

SIR,

I have the honor to inform you that in accordance with the personal instructions of the Resident, the Draft Bangalore Civil and Military Station Municipal Regulations of 1896 were placed before the Commissioners and a copy of the Resolution passed by them on the subject is herewith forwarded.

2. I may add that the proposer of the Resolution explained that he could not quote any definite sections as objected to because there had not been sufficient time to study the Draft Regulation.

I have the honor to be
Sir,
Your most obedient servant

T. Bates Captain
for President

N.N.

28 A

Abstract of Proceedings of an ordinary meeting of the Municipal Commissioners dated 27th August 1896

5. Resolution No: 2, of the Commissioners, dated 30th July 1896, relating to the Draft Bangalore Civil and Military Station Municipal Regulation, 1896.

Proposed by Mr J. Lansman, seconded by General Fischer R.E. that the Commissioners while fully recognizing and acknowledging the powers vested in the British Resident respectfully enter their protest against certain Sections in the draft Municipal Regulations of 1896, Circulated to them for information and request their protest may be forwarded to the Government of India through the British Resident.

Amendment proposed by Mr Doraiswamy Ayyangar Row seconded by Mr Venkataswami - that a Sub-Committee be appointed to go into the Regulations

For. Against
4 - 10 ..... The amendment was put to the meeting & lost.
14 - 3 ..... The original proposal was then put to the meeting and Carried the following Commissioners voting for the proposal -

Mr P.L. Bride
Mr J. Lansman
Mr O.J. Reid
Mr J. Oshaughnessy
General J.F. Fischer R.E.
Mr Mahomed Ali Saib

P.T.O

Mr. V. Gungatharaphetty
Mr. B. P. Annaswami Mudr.
Mr. V. A. Krishnaswami Mudr.
Mr. V. Sundaralinga Chetty
Mr. H. Abraham

Sd/ Wm. Sleght
President

Copy
T. Baker Larden.
Secy: to the President

AV.

29

L- Lieut. Inst 2S Irk.
article on Musketry Regs

Please ascertain the Gradients that would be a breach of faith with the Militia. Refer to instructions. Can the law [illegible] Commission have any correspondence was passed on the subject?

29/7/96

JMM

KE
29-7.

Office respectfully invites a reference to the note in file 214 of 92 - and to Mr. Lee Warner's letter of the 14. Aug.t 95 to the G. of India - (Sec. 5. in file 294 of '93).

KE 31.7.

30.7.96

Regs

[illegible]

KE 5/8 5/8/96.

The Evening Mail.

TUESDAY, JULY 28, 1896.

29/a

Bangalore Threatened.

THE Draft Municipal Regulations of 1896 shadow a danger, and not a small one, to this Station. There have been rumours of the same danger before. Attempts have been made in the same direction in the past, happily without effect. We refer to the introduction of the Cantonment Act which up to this time Bangalore has been free from. But the Regulations contain this ominous section:—"Notwithstanding anything contained in this regulation the Governor General in Council may by Notification extend any or all of the provisions of any Cantonment Act or Regulation or any rules framed there-under and may similarly apply the same to any of the buildings or lands described in Section 5, or to any other area". It will be said that the *may* protects us; that the Act will not be enforced; that the station will continue to be Civil as well as Military. But we know as a fact that the Military portion of the community is extremly anxious that the constitution of the place should be changed, and that the change should be in favour of those belonging to the garrison. It may be asked where the danger lies; how the change would be felt by the community at large. Certain areas of the place would, were the Act enforced, be subject to the Military authorities. They could do what they liked within those areas; the Civil authorities could not interfere. For example, a tenant occupying a house in the defined area could be turned out at the shortest notice, if a military man required it. But the latter need not pay the rent the former did. A committee of officers would assemble, fix the amount to be paid, and nothing more could be demanded. The rent of the house might be decreased fifty per cent, and the owner would have no redress. He must take what was offered and be thankful. He might be told to carry out alterations that would swallow up a year's rent, and carried out they must be. And the result? We believe that it would almost ruin the place. House building would at once be stopped. A large number of people would leave the place never to return. There would be consternation, there would be panic, and a blow might be given to the Station from which it might never recover. Another evil would be the continual friction that would occur between the two sections of the community, and this would be an evil of the first magnitude. In every way the introduction of the Act would be bad. Not only would it be calculated to ruin the place, but it would be a breach of faith with the Mysore Government as well as with the people who have invested money in houses and in trade. When the Assigned Tract was taken possession of by the British Government it was distinctly laid down that Bangalore was to be a Civil and Military Station. If more land was required for Military purposes it was to be given, but not a word was said as to the place coming under Military rule. Were the change to be made now, the British Government would break its plighted word, and the Mysore Government could demand back the territory given up at the Rendition. If the authorites at Simla have any regard for consistency—rather honesty—they will refuse to allow the change intimated in the Draft Regulations. In the next place, the change would cause a breach of faith with the civil population. The place has been enlarged; houses have sprung up; shops have been opened under the belief that the station would remain as it is now—Civil and Military. If the people had been aware that its character would be changed, they most certainly would not have invested money as they have done. Few new houses would have arisen, and many people settled here would have taken up their abode elsewhere. Should the Government bring the whole or a portion of the Station under Military rule a breach of faith will be caused, and the Government will stand as a criminal in the dock before the tribunal of public opinion. We may go further still. It may be said that allowing the Act in question would be nothing but a fraud upon the house owners of the Station. They have built these houses relying on the good faith of the British Government; they believed, that the buildings would bring in a fair return; that the market value would be paid for them; that no arbitary proceedings would be instituted. Should the Act be introduced it will be said that the Government lured these men on to their ruin; it allowed them to put faith in it only to be deceived. Such a charge ought not to be brought against any Government, for it would be very derogatory. Then the question may be asked why one section of the comunity should be favoured at the expense of another or of the whole. This not only injures the sufferers but it injures those who cause them to suffer. It permits them to commit a fraud, to put the matter plainly, and this must harm their moral character. We cannot conceive how an honest man can reconcile it to his conscience to force any one to give his property for less than its market value. A system that allows this to any portion of the community cannot but be injurious in more ways than one. For the sake of the military as well as for that of the civil population the obnoxious Act ought not to be introduced into the Station. Its introduction would make us fancy that the words John the Baptist uttered more than eighteen hundred years ago to the rough soldiers o Syria were required now—"Do violence to no man, and be content with your wages." It may also be thought that Richard Cobden was not very far wrong when he said that India demoralised Englishmen. We call on the Resident to prevent the iniquitous Act from becoming law, and we trust that his strong sense of right will enable him to accomplish this. But the people themselves must be up and doing. They ought to see that a strong protest should be made now before it is too late, and that a threatened evil should be averted.

RESIDENT'S OFFICE.

Serial No. 30

[DRAFT].—For approval

No. 3258

Dated 8th Septr 1896.

To

The Resident Mr Cam

C & M. Lm

Sir,

Sr. 28

With reference to your letter No. 1488 G. the 28. ults I am directed to inform you that the Resident will await a further Communication Setting forth the objections taken by the Municipal Commrs. Meanwhile he will be glad to know which are the Sections in the Draft Municipal ~~Law~~ Regulations to which exception is taken.

I am &c

KE 5/9

Ag Asst Resdt.

KE 5.9.96

Notes.

S.N. 30/1 A.F.

The printed sheets below were made over to me by Dr Saunman with reference to Sec 7 of the Press Regulation, which it appears is held to be a preliminary to introducing Controversial matter regarding the priority of rights of Military Officers to houses in the Civil Station of Bangalore —

Had the papers not been lately in the Warner's letter dealt with the subject. Prior however the papers given me by Dr Saunman may lead to the production further correspondence —

I should like to have the Whole case completed, and got ready in case a representation is made

J. Bray

27/8/96

Bangalore is not and never was a purely military station and, in support of this assertion, we have the fact that when Sir Mark Cubbon in 1857-58 had a serious brush with the Government of Fort St. George and the Commander-in-Chief of the Army, who were anxious to assert Military rules and laws to regulate the rights of the Civil population, he, in his letter of the 22nd May 1857, in conformity with a ruling of the Sudder Awdalat (High Court) of Madras, that "Bangalore is not a Military Bazaar Station" wrote to the General Commanding the Bangalore Division as follows:—

* * * * * *

"I trust it is quite unnecessary for me to say that no man looks with more respect than I do on the authority of the Madras Government and of the Head of the Madras Army, but in the present instance it is my bare duty to state that I consider they have been misled by erroneous or imperfect information. For instance I do not suppose His Lordship in Council could have had before him the letter which Lord William Bentinck caused to be written by Colonel Casement on the 5th of March 1835 to the Secretary to the Government in the Military Department; nor could he be aware of the marked peculiarity of the tenures under which land is held in Bangalore: or of the wording of the Grants or of the Regulations of the period to which they refer. Still less could he be supposed to be cognizant of the extent to which the Supreme Government holds me responsible for the protection of the rights of the inhabitants of Bangalore in common with the rest of the Mysore Territory. The Mysore Commissioner however is in a different position and I feel that without direct orders from the Right Hon'ble the Governor-General of India (to whom the question will be referred if necessary) I should be guilty of a grave dereliction of duty if with the full conviction, indeed with the full knowledge that Bangalore is no more a Military Cantonment in the prope sense of the word than Perambore or Vepery I gave my consent that the Judicial Commissioner and other officers charged with the administration of the country, the sick officers, the aged widows, the ladies whose husbands are on foreign service and the other families who have made it their abode, should be turned out of their houses at the caprice of the Brigadier who happens to be in command of the Station and who of course is the judge of the "absolute necessity" in his own force. I perceive too from a register now before me that several houses at this Station are unoccupied.

* * * * * *

To Major-General Beresford,
Commanding Mysore Division.

(Signed) M. Cubbon,
Commissioner.

The matter was referred to the Supreme Government who, in their letter of the 20th December 1858, said—

* * * * * *

2. "There is nothing in any of these tenures to warrant an interference with the owners, in regard to the uses to which they may put their houses, or the persons to whom they may let them so long as they retain their ownership. It is therefore most justly urged by the Commissioner that the question is not what rules would be best for the regulation of a new Cantonment, but what are the rights of property as created under a formal instrument and recognized for the last 40 years."

3. "Indeed upon a further consideration of this subject with the light of the papers now before him, the President in Council finds it necessary to modify the instructions conveyed in my Letter No. 1674 of the 29th January last and to declare that they must no longer be held applicable to Bangalore which is not like a British Cantonment where the land is Government property and where houses are built subject to Cantonment Regulations, but is a station in a Foreign Teritory where houses are lawfully held under peculiar tenure from the Rajah's Government." * * * * *

From Colonel W. Casement, Secretary to the Government of India, Military Department, Fort William, 5th March 1835, No. 118, to the Secretary to Government in the Military Department at Fort St. George.

Sir,—I am directed to acknowledge the receipt of your despatch No. 327 under date the 3rd ultimo, transmitting with reference to my letter of the 10th December last a copy of a communication from the Military Board at Fort St. George with its enclosures relative to the issue of grants of land to officers for building and other purposes within the Cantonment of Bangalore.

2. The Right Honorable the Governor-General of India in Council observes that nothing could be more proper than the arrangement sanctioned by the Madras Government in January 1815 with regard to the occupation of ground for building purposes in the Cantonment in question.

3. In accordance with the Regulations laid down at that period a copy of which accompanied your despatch under acknowledgment, it is enjoined that applications by parties requiring ground shall be made through the Commanding officer at Bangalore to the Resident at Mysore.

4. These rules appear to have continued in force until 1833, when as may be inferred from the Quarter-Master General's report dated the 17th January in consequence of the Government of Mysore being vested in Commissioners, the General Regulations of the Madras Presidency regarding the grant of lands for such purposes including even the levy of a land rent have been made applicable to Mysore.

5. But as the rights of the Rajah have not been alienated and although all the powers exercised by His Highness are now exercised by the Sole Commissioner under the supervision of the Supreme Government of India, these circumstances cannot be viewed as conferring authority on the Government of Fort St. George to give grants of land or levy a quit rent for the same within the territories of Mysore.

6. It only remains therefore to see that the rules already established in communication with the Rajah in 1814-15, shall in future be observed, with the exception that applications for ground for building quarters shall now be made by the Officer Commanding at Bangalore to the Commissioner instead of the Resident and that copies of all correspondence on such subjects shall be furnished by the Commissioner to the Resident for the information of His Highness.

7. His Lordship in Council further requests that all grants which may have been given under the General Regulations published in Madras G. O. of the 4th December 1829 shall be cancelled leaving it to the parties concerned to make their applications under the former Rules which do not appear to have been abrogated.

COPY OF A GRANT.

...the approbation and by the Authority of His Highness the Rajah of Mysore ... ted in the British Resident's letter to the Chief Secretary to the Government of Fort St. ... me dated the 8th December 1815), I, Thomas Marriott, Colonel, Commanding Bangalore, to m... a grant of the under described ground situated in the Cantonment of Bangalore unto Capt... William Garrard, Superintending Engineer in Mysore to be held by him and his he... or ... posed of as his personal property by will, sale, or otherwise, so long as the British Troops continue to occupy the said Cantonment and subject to the clauses and restrictions mentioned in the above quoted letter conveying my authority for making this grant.

(Here follows a description of the land).

Given under my hand and seal at Bangalore, this 20th day of May, in the year of Our Lord one thousand eight hundred and eighteen.

To

The Secretary to the Government of India,
Military Department, 3rd November 1857, No. 3831.

Sir,

1. I am directed to submit for the consideration of the Government of India the accompanying copies of a letter to the Commissioner of Mysore and of his reply relative to the Cantonment of Bangalore.

25th June 1857.
24th September 1857.

2. It will be sufficient to state, in explanation of this correspondence that on the arrival at Bangalore of the 50th Regiment Native Infantry great difficulty was experienced by the Officers in obtaining quarters owing to many of the houses in the Lines of the Regiment being occupied by non-military persons, or persons not belonging to the troops.

This difficulty led to references being made to the Governor in Council upon which finally the following order was passed.

The Governor in Council observes that it is matter of necessity that Officers of troops stationed at Bangalore should be provided with quarters in the Cantonment.

3. He is of opinion therefore that all individuals whether Officers or others at present renting houses in the Cantonments which are absolutely required for the accomodation of the Officers of the troops should be required to vacate them.

4. Consequent on the proceedings taken by the Officer Commanding Bangalore upon the above order, the Commissioner addressed to this Government the annexed letters dated 24th and 26th May leading to the letter referred to in the first paragraph of the 18th June and to the Commissioner's reply.

5. As it appears to the Governor in Council that no object would be gained by any further argument as to what may or may not have been the intention of documents to which the Governor in Council and the Commander-in-Chief on the one side and the Commissioner on the other attach directly opposite meanings, he has considered it advisable at once to submit the question at issue for the decision of the Government of India and to express his strong recommendation that such orders may be issued as shall secure the right common to all Military Cantonments of appropriating as quarters for the Officers belonging to the troops such houses as may be absolutely required for their proper accommodation.

6. The Governer in Council submits that the recognition of this right in such a Cantonment as that of Bangalore, is of absolute necessity to the public service and he believes that it can be exercised without or very rarely interfering with the rights of property, as it would but very seldom be necessary to do more than require a house tennanted on rent by a Non-Military occupant or by an occupant not belonging to the Troops to be given up at the same rent to an Officer for whom proper accommodation could not otherwise be provided.

7. This right the Governor in Council observes is altogether distinct from the question of Police jurisdiction, which as in many other Cantonments may be entirely independent of ordinary Military rule in regard to the occupation of quarters.

8. The Governor in Council greatly regrets to be obliged at such a time as the present to occupy the attention of the Governor-General of India in Council with this reference; but it is with advertence to the present time especially that he is anxious to have the question speedily and distinctly decided.

9. A copy of this letter has been forwarded to the Commissioner of Mysore.

True Copy.

(Signed) C. A. Browne, Colonel,
Secretary to Government.

No. 3832.

To

The Commissioner, Mysore.

Sir,—I am directed to acknowledge the receipt of your letter of the 24th September, No. 25, and to communicate to you the annexed copy of a letter addressed to the Government of India on the subject of the Bangalore Cantonment.

I have the honor to be,
Sir,
Your most obedient servant,
(Signed) C. A. Browne, Colonel,
Secretary to Government.

Fort St. George,
3rd November 1857.

From the Deputy Secretary to the Government of India, Military Department, Fort William, 29th January 1858, No. 1564, to the Secretary to Government, Military Department, Fort St. George.

In reply to your letter No. 3831 of the 3rd November last, I am desired to acquaint you for the information of the Government of Fort St. George, that after a full consideration of the subject, the Right Honorable the Governor-General in Council is of opinion that the Rules observed in the Bengal Presidency with regard to houses within the Military limits of Cantonments are the best and that these as laid down in Section XI of the Bengal Military Regulations should be made applicable to the Madras Presidency.

* Extract Bengal Military Regulations, Page 58, Para 15.

"All houses in a Cantonment being the property of non-residents or persons not belonging to the Army, and which may be deemed by the Commanding Officer of the Station suitable for the accommodation of Officers are claimable for purchase or hire at the option to the owner, in the former case at a valuation, and in the latter at a rent to be fixed in the event of any disagreement, by a Committee of Arbitration whose decision is to be conclusive unless reversed by Government for whose orders the proceedings are to be submitted through the regular channel, whenever the proprietor of the premises is dissatisfied with the award.

True Copies.

(Signed) C. A. Browne, Colonel,
Secretary to Government.

*Extracted at Madras,
C. A. B.

Exd. J. E. Cashart.

No. 11.

To

The Chief Secretary to Government,
Fort St. George.

Sir,—I have the honour to acknowledge the receipt of Colonel Browne's letter No. 748 of the 25th ultimo, conveying the decision of the Supreme Government regarding the manner in which Officers are to be provided within the Military limits of Cantonments within the Madras Presidency and requesting to be informed whether the Regulations adverted to will be of force in regard to Bangalore if promulgated as directed.

In reply I have the honour to state for the information of the Right Honorable the Governor in Council that, as in my opinion the rules adverted to supply a simple remedy for the difficulties said to have been experienced by Officers and at the same time in no way trench upon the rights secured to house owners of their grants. I see no objection to their being made applicable to such portions of this large place as the Officer Commanding the Station and the Superintendant of the Bangalore Division may consider from their situation as regards the barracks of the various regiments to be proper and sufficient for the purpose. When these localities are determined upon there would be nothing more required than to cause it to be publicly known that all houses so situated being the property of non-residents or persons not belonging to the Army and which may be deemed by the Commanding Officer of the Station suitable for the accommodation of Officers are claimable for purchase or hire at the option of the owner.

The space occupied by houses at this Station stretches four miles from North to South and three miles from East to West with the prospect of further extension when the New Dragoon Barracks are completed and contains within its area a population (annually increasing) of one hundred and thirty thousand souls. It is evident that only a small portion of this space will ever be required for the accommodation of Officers and that the application of the Bengal Rules to the whole is not only unnecessary but certain by unsettling men's minds to arrest the progress of improvement.

This limitation would of course be set aside in cases where circumstances may render the appropriation of land of such importance that the Government itself would deem it necessary to become the purchasers. Such a contingency is expressly provided for in the existing form of grant.

I have, &c.,
(Signed) M. Cubbon,
Commissioner.

Bangalore, 30th March 1858.

MEMORANDUM.

In order to meet the wishes of the Lieut.-General Commanding the Division as expressed in his letter to the Commissioner No. 74 of the 2nd instant, the Commissioner has consented to the Military limits for officers' residences being extended as follows :—

1st. From the South-East corner of the Band Promenade the house called "Gulistan," Doctor Patterson's house, Mr. Reynold's shop, and the house now occupied by the Electric Telegraph Department ; this latter house to be exempted from the rule so long as it is occupied as at present.

2nd. All the houses on the right hand side of and facing upon the road leading up to the Commissariat godowns commencing from the house lately occupied by Dr. Sparrow of the 60th Rifles, omitting the Judicial Commissioner's Cutchery so long as it is thus occupied, and the nunnery and including the house in the rear of Mr. Mergler's shop.

Though there has never been a question in respect to full Military authority over parades, it may be as well on the present occasion to define them.

135 The Infantry Butts and ground alloted for Ball practice and for long rifle range.

2nd The Upper Infantry review ground as at persent defined by a public road round three sides of it and the Commissioner's compound hedged on the south side.

3rdly The Infantry Parade Ground from the Western place of Arms to the east corner of of the Dragoon barracks, and from the East corner opposite to the Wesleyan Chapel along the road westward and to the South of the solitary cells.

4thly The Band Promenade including the ground on which St. Mark's Church stands and up to the road leading from the telegraph flag staff to the Northern gateway of Major Edward's house now occupied by Major Miller, the Eastern boundary being the high road from the "the Gulistan" to the Electric Telegraph Flag Staff and the Western and Southern boundaries being the road round the Promenade.

5thly. The Brigade exercise ground bounded to the North by the Madras road to the East by cross road leading from the Coopsunder tank bund and by a line running ten yards in a South-eastern direction and Westward of Dr Campbell's stables to the hedge of the cultivation and so long the whole boundary bordering on the cultivation until it meets the Oossoor road to the corner opposite the Travellers' Bungalow. The Travellers' Bungalow, Arab Lines and Pensioners' Lines to be within the jurisdiction of the Superintendent of Police.

6thly. The Infantry Parade, Horse Lines and Schools as at present, the Karkhana bullock lines and the Protestant Burial ground, Trinity Church and grounds.

7thly. The Dragoon horse lines and Schools as at present.

8thly. The Native Cavalry Hutting Lines, Horse Lines, Riding Schools and Parades as at present.—St. John's Church and ground. The Pensioners lines at Mootoocherry being under the jurisdiction of the Superintendent of Police.

9thly. The Hutting ground and Lines of the Native Infantry Regiments.

(Signed) G. Haines,
Superintendent, Bangalore Division.

Superintendent's Office,
Nundydroog, 28th April 1859.

NOTICE TO OWNERS OF HOUSES AT BANGALORE,

(Published in the Bangalore Herald.)

Under instructions received from the Government of India, owners are hereby informed that they will not be interfered with in regard the uses to which they may put their houses, or the persons to whom they may let them so long as they retain their ownership.

The conditions under which owners hold their houses provide for the purchase by Government of the tenant's property whenever Government may require it, so that should any real Military exigency arise Government can always obtain whatever houses it pleases upon payment of their fair value, which the Supreme Government declare to be no more than the houses owners in pure equity and by uninterrupted custom as well as by the words of their titles. have a clear right to.

Therefore the Government of India have ruled that whenever a Military officer on duty at Bangalore finds a real difficulty in purchasing a house there, he may with the approval of the Commanding Officer require that any tenement he may desire to purchase be valued, and should the valuation meet his views, he may lodge the amount awarded, when the house may be purchased by Government at its valuation and transferred to the Officer under the Bengal conditions and subject to any other conditions that may be thought proper.

The Bengal rule under which the valuation of houses claimable as above is fixed as follows:—

The Committee (of arbitration) is to be composed of one Civil Officer (the principal if practicable at or near the Station) the Commanding Officer of the Cantonment (unless he is an interested party when the next Senior is to be appointed) and an Officer belonging to the Station to be named by the proprietor of the premises; and their decision is to be conclusive unless it shall be reversed by Government for whose orders the proceedings of the Committee are to be submitted whenever the proprietor of the premises which they may have valued is dissatisfied with their award.

28th April 1895.

My dear Brigadier,

I send you herewith the copies of your former letters about the Military limits. I have sent in the notice to owners of houses to be published in the Herald so that the only thing left to be made known to the parties concerned is the extension to the Military limits which has recently been made.

Nundidroog, 15th May 1859. } Yours very sincerely, (Signed) G. Haines.

Again, when in 1880, at the time of the Rendition, it was sought in some quarters to extend the Cantonments Act III of 1880 to Bangalore, Sir James Gordon wrote to the Government of India as follows :—

No. C. 2 dated Calcutta, 17th December 1880.

From W. J. Cuningham, Esq., Bombay Civil Service, Secretary to the Chief Commissioner of Mysore to A. C. Lyall, Esq., C. B., Secretary to the Government of India, Foreign Department.

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9. As regards the determination of the limits of the lands to be assigned Mr. Gordon would propose that these comprise mainly what is now defined and described as the Bangalore Cantonment Municipality. The exact limits can be settled in communication with the Military Authorities on Mr. Gordon's return to Bangalore from Calcutta. The present Cantonment Municipality limits would have to be slightly curtailed so as to exclude the Maha Rajah's Palace, the Mysore Public offices, the Jail, High School and such like State buildings. The native city or Pettah, would also of course, remains with the Mysore State.

The Bangalore Cantonment.

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With regard to the proposed introduction into the assigned tract of the Cantonment Act III of 1880, after the transfer of Mysore to the Maharajah, it would seem that there is nothing to be gained by the introduction of the Act while some of its provisions might be very inconvenient.

The Act is intended for Military Cantonments in British India. Bangalore is not and has never been merely a Military Cantonment, and is not, and is not intended to be a part of British India. After the transfer it will remain as heretofore as it was correctly described by the Government of India in a letter dated 25th December 1858. "A Station in a foreign territory." As it will not be part of British India, the Governor General in Council, administering its Government on behalf of the Maharajah will be able to make such laws and rules for its good Government as may appear expedient, while the introduction of the Act in question will not convey any higher sanction than the notification of the Government of India, and would bring with it provisions, unsuitable and uncalled for. It would appear wise then, to let matters remain as they are and to let the territory included within the Bangalore Station be administered by Civil officers of the British Government, guided by such laws and rules as are at present in force or may hereafter be introduced by the Governor General in Council administering the Government on behalf of the Maharajah who will still retain sovereignty over the territory though by the terms of the Sunnud, he renounces the exercise of jurisdiction within it.

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No. 92. I. P. dated Fort William 24th January 1881.

From A. C. Lyall, Esq., C, B., Secretary to the Government of India, Foreign Department., to Chief Commissioner of Mysore.

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6. The Government of India accept your opinion that Act III of 1880 need not be introduced into the tract which has been reserved under assignment for the British Station of Bangalore. Your proposals for the determination of the limits of the assigned lands and also for the discharge of the executive and judicial work of the Station are approved.

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